

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

US EPA RECORDS CENTER REGION 5



404087

May 21, 1991

To: Al Howard, Chief, ERD

From: Oladipo Oyinsan, Supervisor, ERD, Detroit District

RE: BASF South Works Corporation, Wyandotte, Wayne Co.

Pursuant to Delbert Rector's May 8, 1981 memo and your memo of the same date, Charles San Juan of my staff has made a site inspection and reviewed our files for the subject site. It is my understanding that BASF has been released from all liability for any regulatory laws in effect prior to January 1, 1986, per Section XIII E of the consent decree. Section XIII E states that the consent decree constitutes "full settlement" of the claims asserted by both the plaintiffs and the State of Michigan. It also includes language that releases BASF from "all liability" for RCRA, CERCLA, Act 245, and "any other statute, common law, regulation or rule". The consent decree was entered into court January 6, 1986. Thus, BASF has no legal obligation to comply with laws that were in existence on or before January 1, 1986.

The consent decree does apply to both the North and South property of the BASF site. My staff's inspection of the site has confirmed that BASF is complying with the consent decree and they currently have active ground water treatment systems on both the North and South properties.

I am therefore recommending that WMD review the consent agreement and determine if compliance with Act 64 has been achieved. I also understand that BASF is subject to any and all regulations not specified in the consent decree subsequent to January 1, 1986. For example, the City of Wyandotte is interested in developing the site. In response to this proposal, ERD sent a letter to BASF explaining that any discovery of previously unknown contamination during site development will be subject to Act 307 regulation.

Under Article X of the consent decree, all data, information, and other documents in the possession of BASF which relate to the consent decree must be provided to MDNR upon request. BASF does not have to submit quarterly monitoring reports to MDNR or other compliance related documents (the consent decree was designed for BASF to self-comply and maintain all records). Thus, the information requested on p.2 of your May 8, 1991 memo (all ground water sampling data, treatment system plans and specifications, etc.) can be obtained directly from BASF. ERD does not have this information on file. The contact person for BASF is Douglas Thiel @ 313 246-6209.

I have designated Charles San Juan as the ERD project manager for this site and you can reach him directly @ 313 953-1497. Our enforcement coordinator, Jim Thomas, can also be contacted @ 313 953-1429. Please have WMD contact my staff if there are further questions.

cc: Bob Basch, ERD Ken Burda & Rhonda Hall, WMD



BASF Wyandotte North Works
Proposed Schedule for Consent Decree

1. Within 90 days, BASF will make permit application for the installation and operation of the purge system.
2. Within 90 days, the Company will let contracts for the equipment to operate the purge system.
3. Within 30 days prior to the receipt of the well equipment, BASF will let contracts for the construction of the purge well systems.
4. The Company proposes to place the following special condition in the construction contract "the well system will be constructed between June 1 and September 1."
5. For no more than 30 days BASF will operate each well system (A, B and C). The discharge from the purge system will be either direct to the Detroit River via existing outfalls or to the Wyandotte POTW, at the company's option.
6. Within 60 days and overlapping number 5 above, the company will perform accelerated column absorption tests for the design of an activated carbon system.
7. Sixty days (optional at the vendor's request), BASF will conduct such on-site testing as the vendor requires to establish "standards of performance."
8. Within 120 days, BASF will design an activated carbon system (or its equivalent) based on the three organic compounds of highest concentration found during the testing in 6 and/or 7 above.
9. Concurrently with no. 8 above, BASF will determine what permits are necessary.
10. Within 60 days, BASF will make application for all necessary permits to construct and operate the purge treatment system (if a RCRA permit is required, add an additional 200 days).
11. Within 90 days of receipt of all the permits, BASF will let contracts for the equipment and materials for construction of the treatment system.
12. Within 30 days of receipt of the equipment, BASF will let a contract for the construction of the treatment system.
13. A requirement for expediting constructing based on the contractor's estimates will be placed in the contracts.
14. Within 60 days of taking delivery of the treatment system, the system must meet performance standards established in no. 7 above.